

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE
2005 FEB 22 A 8:29

ANTHONY BAYAD ,

Plaintiff ,

JOHN CHAMBERS, PATRICIA
RUSSO, ANTHONY
SAVASTANO and CARL
WIESE,
Defendants ,

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

**PLAINTIFF ' MOTION MANDATING ATTORNEY OF RECORD BRUCE E. FALBY TO
COMPLY AT MINIMUM WITH
THE RULE OF CIVIL PROCEDURES THE RULE 11(A)**

Standard of Review

Federal Rule of Civil procedure 11 (a) requires that every motion “ be signed by at least one attorney of record in the attorney’s individual name, or, if the party is not represented by an attorney, shall be signed by the party”. (Bruce Flaby did not sign as it is required by said Rule 11)

Statement of fact

On February 17, 2005 Attorney Bruce E. Falby for Defendants Chambers, et al., filed baseless motion armed with unnecessarily use of memorandums of Law to mislead the Court and to take advantage of Plaintiff proceeding Pro Se, as he was diagnosed with multiples health complications including heart and stomach failure. Attorney Bruce Falby introduced his motion attached herein for the convenience of the court to review and as evidence in support of Plaintiff motions pending

before this Court in refer to disobedience of this attorney in this legal Proceeding. Plaintiff must not remind the Attorney of Record that Federal Rule of Civil Procedure in particular 11(a) requires that every motion “ be signed by at least one attorney of record in the attorney’ s individual name, or if the party is not represented by an attorney, shall be signed by the party and not print his name. His conduct in this litigation is an expectable as he is an officer of this Honorable Court and a member of the well respected Massachusetts Bar an arm of our Honorable Massachusetts Supreme Court, and the Rules are the Rules set forth to be applied on and for every litigants Pro Se (s), Juror(s), Clerk (s), Magistrate (s), Judge (s), or Attorney (s). Accordingly, Attorney Bruce E. Falby ‘ response is improper under Rule 11. See Ahmed v. order of Forests, 81 F.R.D. 722, 730 (E.D. Pa 1979), aff’d, 707 F.2d 1399 (3rd Cir. 1983).

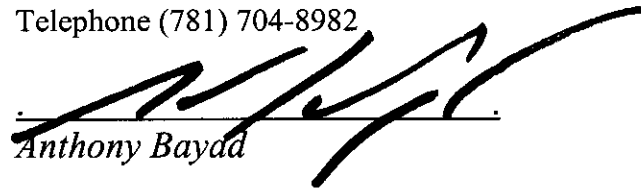
Argument

Defendants willfully ignored the process of the court and the Federal Rule of Civil Procedure of time limitation said set forth by said Rules , 34, and 36, and the time to otherwise answer has expired and had not been extended. Defendants Savastano and Wiese served their answer on about January 24, 2005 not as prescribed by said Rule or set by both parties, also _Defendant Chambers served his answer on about January 28, 2005 not as prescribed by said Rule (30 days and not 68 +), and now Rule 11 (a), Federal Rule of Civil Procedure in particular 11(a) requires that every motion “ be signed by at least one attorney of record in the attorney’ s individual name, or if the party is not represented by an attorney, shall be signed by the party Defendants and their attorneys must understand that this Court has deadline and rules that litigants and attorneys must follow and obey.(no exception to both parties)

Conclusion

This honorable Court must not allow “**any**” Defendants not to comply with the Rule of Law, or otherwise we will loose the integrity of compliance of the Rules set forth by this honorable Court; therefore all the Motions pending before this Court should be granted for the relief of damages sought in his complaint must granted or as deemed and appropriated by this Court as prescribed of justice and the law; and declare defendants in violations of his rights; to grant him relief for inherently indefinable losses as “pain **and suffering** “ must be set by tier of fact as deemed appropriate by this court in its own decision or with a decision of a Jury as Justice required.

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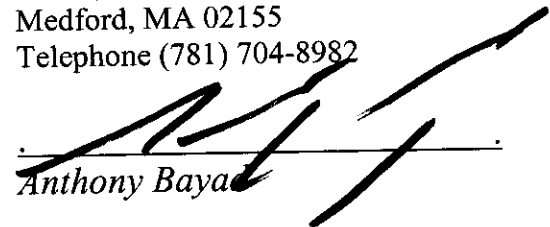


Anthony Bayad

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of MOTION GRANTING PLAINTIFF ALL RELIEF OF DAMAGES SOUGHT AGAINST CHAMBERS ET,AL. was furnished via U.S. mail to : Bruce E. Falby, BBO #544143, PIPER RUDNICK LLP, One International Place, Boston MA 02110, this 21 day of February 2005 .

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